

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JASON LEE SUTTON,

Plaintiff,

V.

LESLIE E. O'CONNOR, et al.,

Defendants.

CASE NO. C22-1392 BHS

ORDER

This matter comes before the Court on Plaintiff Jennifer¹ Lee Sutton's Emergency
Motion for Relief, Dkt. 10, and Motion for Extension of Time, Dkt. 12, and Magistrate
Judge Michelle L. Peterson's Report and Recommendation ("R&R"), Dkt. 9.

Sutton asserts various civil rights violations against prison guards at Monroe Correctional Complex (“MCC”) relating to accusations that she engaged in animal cruelty in the prison yard. *See generally* Dkt. 1-1. Judge Peterson granted Sutton’s application for leave to proceed *in forma pauperis* but declined to serve her civil rights

¹ Sutton is a transgender woman who uses the pronouns she/her and the name “Jennifer.” See Dkt. 1-1. The Court therefore refers to her as such.

1 complaint for failure to state a plausible claim under 28 U.S.C. § 1915A. Dkt. 8. Judge
2 Peterson granted Sutton leave to amend her complaint by December 16, 2022. *Id.*

3 After Sutton failed to timely amend her complaint, Judge Peterson issued a R&R
4 recommending that this Court dismiss her case without prejudice. Dkt. 9. The following
5 day, Sutton filed an emergency motion for relief from Judge Peterson's previous order
6 setting the deadline to amend on December 16. Dkt. 10. She asserts that she attempted to
7 timely file her amended complaint but due to a misunderstanding with the prison's law
8 librarian, and the subsequent absence of that librarian, she had difficulty determining
9 whether her amended complaint had been filed. *Id.* She seeks more time to file her
10 amended complaint, *id.*, which she ultimately filed on January 9, 2023, Dkt. 11.

11 Sutton also moves for an extension of time to object to Judge Peterson's R&R.
12 Dkt. 12. She asserts that she is unable to timely file objections because she is being
13 transported from MCC to the Washington State Penitentiary. *Id.*

14 The Court reads Sutton's motions as objections to Judge Peterson's R&R. Thus,
15 her motion for extension of time to object, Dkt. 12, is **DENIED as moot**. Her emergency
16 motion for relief from Judge Peterson's December 16 deadline, Dkt. 10, is **GRANTED**.
17 Sutton's amended complaint, Dkt. 11, is the operative complaint and the case is **RE-**
18 **REFERRED** to Judge Peterson for further screening of that complaint under 28 U.S.C.
19 § 1915A. The Court **DECLINES to adopt** Judge Peterson's R&R, Dkt. 9.

20 IT IS SO ORDERED.

21 //

22 //

1 Dated this 26th day of January, 2023.

2
3
4



5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

BENJAMIN H. SETTLE
United States District Judge